

United States Bankruptcy Court

District of North Dakota

In re:  
Red River Subs, Inc.  
Debtor

Case No. 24-30010-skH  
Chapter 11

## CERTIFICATE OF NOTICE

District/off: 0868-3  
Date Rcvd: Feb 08, 2024

User: admin  
Form ID: pdf2some

Page 1 of 2  
Total Noticed: 1

The following symbols are used throughout this certificate:

Symbol	Definition
+	Addresses marked '+' were corrected by inserting the ZIP, adding the last four digits to complete the zip +4, or replacing an incorrect ZIP. USPS regulations require that automation-compatible mail display the correct ZIP.

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Feb 10, 2024:

Recip ID	Recipient Name and Address
db	+ Red River Subs, Inc., 300 Broadway N., Fargo, ND 58102-4709

TOTAL: 1

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.  
Electronic transmission includes sending notices via email (Email/text and Email/PDF), and electronic data interchange (EDI).

NONE

## BYPASSED RECIPIENTS

The following addresses were not sent this bankruptcy notice due to an undeliverable address, \*duplicate of an address listed above, \*P duplicate of a preferred address, or ## out of date forwarding orders with USPS.

NONE

## NOTICE CERTIFICATION

I, Gustava Winters, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed .R. Bank. P.2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Feb 10, 2024

Signature: /s/Gustava Winters

## CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on February 8, 2024 at the address(es) listed below:

Name	Email Address
Alexander S. Kelsch	on behalf of Creditor 931 on 9th LLC alexk@kelschlaw.com, aruff@kelschlaw.com
Caren W. Stanley	on behalf of Interested Party DFI 300 Broadway LLC cstanley@vogellaw.com, jnona@vogellaw.com;sthompson@vogellaw.com;kjohnson@vogellaw.com
John M Krings, Jr.	on behalf of Creditor E&G Franchise Systems Inc. john@kaler-doeling.com janae@kaler-doeling.com
Maurice VerStandig	on behalf of Debtor Red River Subs Inc. mac@mbvesq.com, mac@dakotabankruptcy.com;verstandig.mauricer104982@notify.bestcase.com;verstandiglaw@recap.email
Robert B. Raschke	USTPRegion12.SX.ECF@usdoj.gov

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Sarah J. Wencil

on behalf of U.S. Trustee Robert B. Raschke sarah.j.wencil@usdoj.gov

Thomas Kapusta

tkapusta@aol.com

TOTAL: 7

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NORTH DAKOTA

In Re:

Bankruptcy No. 24-30010  
Chapter 11 – Subchapter V

Red River Subs, Inc.,  
dba Erbert and Gerbert's – Fargo,  
dba Erbert and Gerbert's – Bismarck,  
dba Erbert and Gerbert's – Moorhead,

Debtor.

\_\_\_\_\_ /

**ORDER GRANTING MOTION FOR LEAVE TO PAY  
CERTAIN PREPETITION EMPLOYEE WAGES**

Debtor Red River Subs, Inc. filed a Motion for Leave to Pay Certain Prepetition Employee Wages. Doc. 5. In the motion, Debtor seeks Court authority to pay the prepetition wages of all employees (except Debtor's equity holder) consistent with Debtor's normal payroll practices. More specifically, Debtor seeks to pay wages earned and withhold tax and other deductions for the period of January 9, 2024, through January 13, 2024. On January 19, 2024, the Court held a preliminary hearing on the motion. The Court received no objections at the hearing. The Court received no written objections.

For the reasons stated on the record and based on the motion and evidence received at the hearing, the Court finds cause for granting the relief Debtor seeks. Specifically, the Court finds that paying the prepetition wages listed in Debtor's motion is necessary to protect and preserve the bankruptcy estate, critical to the continued operation of Debtor's businesses, and in the best interests of Debtor's estate, its creditors, and other parties in interest. It also finds that payment of the prepetition

wages listed in the motion is necessary to avoid immediate and irreparable harm.

Therefore,

**IT IS ORDERED** that Debtor's Motion for Leave to Pay Certain Prepetition Employee Wages is granted. The final hearing on this motion scheduled for February 9, 2024, is cancelled.

1. Debtor is authorized to pay the estimated pre-petition wages of all non-insider employees listed in the motion, except that no payments to any employee shall exceed the \$15,150 statutory cap provided for under section 507(a)(4) of the Bankruptcy Code.

2. Debtor is also authorized to pay and remit withholding, including social security, FICA, federal and state income taxes, garnishments, and other deductions.

Dated: February 8, 2024.



SHON HASTINGS, JUDGE  
UNITED STATES BANKRUPTCY COURT